

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

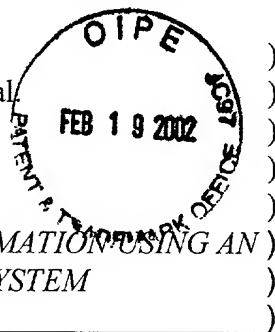
In re Application of:

Konrad C. LAGARDE et al.

Serial No.: 10/002,685

Confirmation No.: 4648

Filed: November 15, 2001

For: *ACCESSING INFORMATION USING AN
INSTANT MESSAGING SYSTEM*

Group Art Unit: 2661

Examiner: (Not Yet Assigned)

**COPY OF PAPERS
ORIGINALLY FILED**

PETITION FOR ENTRY OF OMITTED ITEMS SUBMITTED TO USPTO

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. 1.53(b), the Applicants respectfully petition the Commissioner for entry of Omitted Items Received by the USPTO. Please consider the following remarks and evidence in support of this Petition.

I hereby certify that this correspondence
is being deposited with the United States
Postal Service with sufficient postage as
first class mail in an envelope addressed
to: Assistant Commissioner for Patents,
Washington, D.C. 20231, on 2/1/02.

Date of Deposit

Karen Taragowski
Applicant, Assignee, or Representative

Karen Taragowski 2/1/02
Signature Dated

02/26/2002 SMINASS1 00000011 090463 10002685

01 FC:122 130.00 CH

It is respectfully requested that a corrected Filing Receipt be issued in connection with the above-identified application, in order to correct the following item:

- Page 1 of the specification omitted from the application, as indicated in the Official Filing Receipt for the above-referenced patent application.

The filing receipt is stamped as being received on November 15, 2001. Pursuant to 37 C.F.R. 1.54, Applicants are entitled to the filing date of November 15, 2001, the date the application was deposited with the U.S. Postal Express Mail Service. Enclosed is a copy of the:

- a. Application Transmittal Letter;
- b. Express Mail Certificate; and
- c. Return postcard stamped by the USPTO

showing the date of deposit as November 15, 2001 for all of the specification including the first page, i.e., page 1 of 58. Pursuant to MPEP §503, a return "postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO if all items listed thereon on the date stamped thereon by the USPTO. The return postcard receipt clearly identifies that page 1 of the specification was submitted and deposited to the USPTO. Accordingly, the Applicants respectfully request that page 1 of the specification, a copy of which is attached herewith, with the above-identified non-provisional application papers be entered with the application.

The Commissioner is authorized to charge the \$130.00 petition fee under 37 C.F.R. 1.17(h) to Deposit Account No. 09-0463. However, because the return postcard is *prima facie* evidence of submission, the Applicants believe that no fee will be due and any refund is hereby requested.

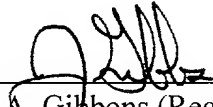
Kindly forward all correspondence to the undersigned attorney of record. No new matter has been added.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Date:

2/1/02

By:


Jon A. Gibbons (Reg. No. 37,333)
Fleit, Kain, Gibbons, Gutman & Bongini, P.L.
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PLEASE Direct All Correspondence to Customer Number 23334



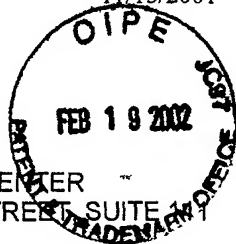
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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/002,685	11/15/2001	Konrad C. Lagarde	POU920010163US1

23334

FLEIT, KAIN, GIBBONS,
GUTMAN & BONGINI, P.L.
ONE BOCA COMMERCE CENTER
551 NORTHWEST 77TH STREET, SUITE 100
BOCA RATON, FL 33487



COPY OF PAPERS
ORIGINALLY FILED

CONFIRMATION NO. 4648

FORMALITIES LETTER



OC000000007238442

Date Mailed: 12/28/2001

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 1 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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A copy of this notice MUST be returned with the reply.

Ted

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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